

AFFIDAVIT OF TAMARA O. KERSEY

I, Tamara O. Kersey, do hereby say under oath the following:

1. I am of legal age and competent to provide this affidavit. All the information herein is based on my own personal knowledge.

2. I am an adult African American resident of Graham, North Carolina, Associate Pastor of Wayman Chapel AME in Graham, and a member of the Alamance County Branch of the NAACP ("the Branch" or "NAACP"). I currently serve as the Branch's Community Coordination Committee Chairperson.

3. I have wanted on a number of occasions, most recently in response to the killing of George Floyd by police in Minneapolis, to protest in Graham. I have attended vigils, rallies and/or protests in Mebane and in Burlington against racist police brutality in the wake the killing of George Floyd. I want to organize a protest, sponsored by the NAACP and faith leadership, in resistance to the feeling of a pall over the city of Graham stemming from national and local police brutality and to protest the continued presence of the Confederate monument in our public square. I desired to organize and/or join faith leaders and those with religious conviction on public property in Graham.

4. However, because of Art. VI of Graham's Code of Ordinances, which requires any group of "two or more persons" gathering "for the purpose of protesting any matter or making known any position or thought of the group or of attracting attention thereto," I had to apply for a permit from the Graham police chief at least 24 hours in advance. In addition, because of the additional authority given to the police under the Mayor of Graham's "Declaration of State of Emergency" on June 25 and June 27 to further restrict people's freedom of movement and ability to protest on public property, I have not exercised my constitutional rights to assemble and speak out against injustice out of fear I will be arrested.

5. Before the City's June 27 "Amended Declaration of State of Emergency" came out, I petitioned Graham Police Department for a permit the morning of Friday, June 26 to hold a "Prayer in the Park" in the Sesquicentennial Park in downtown Graham for the dates July 18 or 25. The park is approximately 30 feet across from the courthouse. I am organizing this event with other faith leaders in Alamance County and the NAACP. Our message at this event is to call on our local government and law enforcement officials to address their inequitable treatment of individuals who have gathered near the Confederate monument in Graham. Those government officials, City police and the Alamance County Sheriff Department have allowed neo-confederate demonstrators to congregate with their firearms and other weapons on display, while anti-racist demonstrators have been ordered to disperse. This is not only a threat to public safety, it is also a suppression of our constitutional rights in the public square.

6. In fact, the City's June 25 curfew and June 27 prohibition on protests or permits looks to me to have been motivated by a demonstration that was to be held on June 25 to protest racialized policing and the continued presence of the Confederate monument.

7. As an African American resident of Graham, I experience the Confederate monument as racist government speech. It venerated the Confederate States of America, whose primary, if not only, purpose was to keep African Americans enslaved. The Graham monument's inscription celebrates the soldiers who fought to preserve slavery and promotes the mythical, racist and dangerous "Lost Cause" narrative. Because of where it is located, on the North side of the Alamance County Courthouse, the monument speaks for the whole county, and the message is that the Confederacy should have been the victor over the United States in the Civil War to preserve slavery, that black people are inferior and should be enslaved.

8. I would like to be able to join with others who feel as I do about this monument to peaceably protest it without having to first seek permission from the same government entities that engage in racially inequitable treatment of protestors, and without risking arrest. I plan to go to exercise my rights to protest at the monument on July 4, 2020, although I am fearful of being arrested and/or harassed.

9. I have not received any response to my permit application, despite repeated requests to the Graham Police Chief, which makes it impossible for me to plan the Prayer Vigil for later this month. I also worry that the permit will be denied based on the ordinance's vague standards and the viewpoint I, the NAACP and my fellow faith leaders seek to express. It is a violation of my First Amendment rights for me to even have to apply for this permit. For that reason, and to stop the City's continued violation of my rights through its "State of Emergency" declarations that have been issued regularly since George Floyd's killing by police on May 25, 2020, I am suing the City of Graham.

I affirm, under the penalties for perjury, that the foregoing representations are true and accurate.



Tamara O. Kersey

Date: 07/2/2020